

### **REMARKS**

Claims 1-9, 17-19, 21-27, 37, 39-45, 65-67, 70-74 and 115-117 are pending in the present application with the remainder of the claims withdrawn. The Examiner finally rejected the claims under 35 U.S.C. § 103(a) based on Katz et al. (U.S. Patent No. 5,926,624), Hannula (U.S. Patent No. 6,941,270) and Dodd (U.S. Patent No. 6,633,849 B1). Applicants submit a request for continued examination and submit this Amendment as the requisite submission under 37 C.F.R. § 1.114. With entry of this Amendment, Applicants amend claims 1, 3-9, 17-19, 21-27, 37, 39, 41-45, 65-67, 70, 72-74 and 115-117 and cancel claims 2 and 71 without prejudice. Reexamination and reconsideration are respectfully requested.

#### **Claims 1-9, 17 and 18**

The present invention, as set forth in claim 1, is directed to a content distribution system comprising a distribution server, a client terminal and a portable terminal. The client terminal requests that the distribution server distribute a trial content item and a regular content item. The distribution server in response distributes the trial content item to the client terminal and the regular content item to the portable terminal. Thus, the client terminal requests both a trial content item and a regular content item, but the distribution server distributes the trial content item and regular content item to different terminals, i.e., the client terminal and the portable terminal respectively.

Applicants have amended claim 1 to recite that the client terminal comprises: "trial content request means for requesting said distribution server to distribute the trial content to said client terminal" and "regular content request means for requesting said distribution server to distribute the regular content item to said portable terminal." Applicants have further amended claim 1 to recite that the distribution server comprises: "trial content distribution means for distributing, in response to a request from said client terminal, a trial content item to said client terminal" and "regular content distribution means for distributing, in response to a request from said client terminal, a regular content item to said portable terminal." Other amendments have been made to claim 1.

Katz does not disclose the above quoted recitations. As illustrated in Fig. 2 of Katz, there is a computer network having a library server 260, a client computer 214 and a mobile playback device 212. Katz discloses that the browser 219 of the client computer 214 can be used to preview a selected clip or purchase a program. (See, e.g., Col. 8, line 65 to Col. 9, line 6.) Whether a clip is previewed or a program is purchased, the material is downloaded to the client computer 214 for delivery to the mobile playback device 212. (See, e.g., Col. 9, lines 4-6.) There is no disclosure or suggestion that the library server 260 distributes a preview clip to the client computer 214 and distributes the purchased program to the mobile playback device 212. Rather, both are distributed to the client computer 214.

Other embodiments disclosed in Katz and discussed below also fail to disclose the above recitations. Katz discloses an embodiment in which the client site is eliminated and the mobile playback unit 212 is directly connected to the network. (See, e.g., Col. 16, lines 63 to Col. 17, line 40.) However, this embodiment by definition does not include a client terminal as recited in claim 1. It is noted that Col. 17, lines 30-35 discloses that a computer can be used to provide browser support for the playback unit to select and download from the server. However, the cited section makes clear that all the material is "directly" sent to the playback unit and the computer system simply provides browser support. Thus, there is no disclosure or suggestion that a preview clip is distributed to the computer while a program is distributed to the playback unit in this embodiment.

Katz also discloses an embodiment with a computer kiosk 910. (See Col. 17, line 59 to Col. 18, line 18 and Fig. 9.) The kiosk 910 receives the material distributed from the server and delivers it to the playback unit 212. (See Col. 18, lines 8-11.) Once again, there is no disclosure or suggestion that the a preview clip is distributed to the kiosk while a program is distributed to the playback unit.

Thus, Applicants respectfully submit that Katz does not disclose the above quoted recitations. It is believed that neither Hannula nor Dodd make up for the deficiencies of Katz. Accordingly, claim 1 and its dependent claims 3-9, 17 and 18 are patentable over Katz, Hannula and

Dodd. Applicants note that claims 3-9, 17 and 18 have been amended and claim 2 canceled in view of the amendments to claim 1.

Claims 19 and 22-27

Applicants have amended independent claim 19 to recite “receiving a request for distributing a trial content item from said client terminal,” “distributing, in response to said request from said client terminal, the trial content item to said client terminal,” “receiving a request for distributing a regular content item from said client terminal” and “distributing, in response to said request from said client terminal, the regular content item to said portable terminal.” It is believed that claim 19 and its dependent claims 22-27 are patentable over Katz, Hannula and Dodd in view of these recitations. Applicants note that claims 21-27 have been amended in view of the amendments to claim 19.

Claims 37 and 39-45

Applicants have amended independent claim 37 to recite a distribution server comprising “first receiving means for receiving, from said client terminal, a request for distributing a trial content item,” “first distribution means for distributing, in response to said request from said client terminal, the trial content item to said client terminal,” “second receiving means for receiving, from said client terminal, a request for distributing a regular content item” and “second distribution means for distributing, in response to said request from said client terminal, the regular content item to said portable terminal.” It is believed that claim 37 and its dependent claims 39-45 are patentable over Katz, Hannula and Dodd, because none of the references discloses a distribution server that receives a request from a client terminal for a trial content item and a regular content item and distributes the trial content item to the client terminal and the regular content item to a portable terminal. Applicants note that claims 39 and 41-45 have been amended in view of the amendments to claim 37.

Claims 65-67

Applicants have amended independent claim 65 to recite a portable terminal comprising: “regular content item receiving means for receiving a regular content item distributed from said distribution server, on the basis of a request from a client terminal for requesting said distribution server to distribute the regular content item to said portable terminal, the request being transmitted from said client terminal to said distribution server after said client terminal receives a trial content item distributed from said distribution server.” It is believed that neither Katz, Hannula nor Dodd discloses or suggests a portable terminal receiving a regular content item in the manner recited. Accordingly, Applicants respectfully submit that claim 65 and its dependent claims 66 and 67 are patentable over Katz, Hannula and Dodd. Applicants note that claims 66 and 67 have been amended in view of the amendments to claim 65.

Claims 70-74 and 115-117

Applicants have amended claim 70, which is directed to a computer-readable recording medium recording a program applied to a client terminal capable of communicating with a distribution server, to recite that the program comprises the steps of: “requesting said distribution server to distribute a trial content item to said client terminal,” “receiving said trial content item distributed from said distribution server” and “requesting said distribution server to distribute a regular content item to a portable terminal having content reproducing means, wherein said regular content item is distributed from said distribution server to said portable terminal.” It is believed that Katz, Hannula and Dodd fail to disclose or suggest a medium recording a program applied to a client terminal comprising the above steps, particularly having the client terminal receive a trial content item and requesting that a regular content item be distributed to a portable terminal as opposed to the client terminal itself. Accordingly, Applicants respectfully submit that claim 70 and its dependent claims 72-74 and 115-117 are patentable over Katz, Hannula and Dodd. Applicants note that claims 72-74 and 115-117 have been amended and claim 71 canceled in view of the amendments to claim 70.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

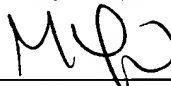
If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032025900.

Dated: September 6, 2006

Respectfully submitted,

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